



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant(s) : James E. Toney
Serial No. : 10/658,122
Filed : September 9, 2003
Title : **WAVELENGTH SEPARATION DEVICES INCORPORATING
MULTI-BARRIER PHOTONIC HETEROSTRUCTURES**
Docket : BAT 0089 PA/40078.245
Confirm. No. : 9698
Art Unit : 2874

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 27, 2004.


James E. Beyer

Reg. No. 39,654

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97, AND 1.98

Applicant submits herewith patents, publications, and other information of which he is aware, which he believes may be material, as defined in 37 CFR §1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56(a). While the information referred to in this Supplemental Information Disclosure Statement may be material pursuant to 37 CFR §1.56(b), the filing of this Supplemental Information Disclosure Statement is not intended to, pursuant to 37 CFR §1.97(h), constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. Further, pursuant to 37 CFR 97(g), the filing of this Statement should not be construed as a statement that a search has been made or that no other material information exists.

This Information Disclosure Statement is being filed within the period set forth in 37 CFR §1.97(b) because it is believed to be filed before the mailing date of a first office action on the merits.


Serial No. 10/658,122
Docket BAT 0089 PA

The undersigned attorney certifies that each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

The Office has waived the requirement pursuant to 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. Therefore, no copies of each cited U.S. patent and each cited U.S. patent application publication are enclosed, but the cited U.S. patents and the cited U.S. patent application publications are listed on PTO/SB/08A. Also enclosed is a copy of the PCT International Search Report dated January 14, 2004.

Respectfully submitted,
DINSMORE & SHOHL LLP

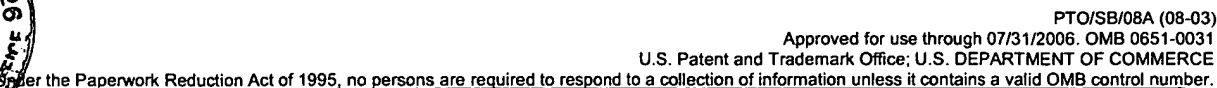
By



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JEB/AMS/Encls.

**Complete if Known**

(Use as many sheets as necessary)

Sheet	1	of	2
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Application Number	10/658,122
Filing Date	September 9, 2003
First Named Inventor	James E. Toney
Art Unit	2874
Examiner Name	
Attorney Docket Number	BAT 0089 PA

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 98 53350 A	11-26-1998	Deutsche Tekekom AG		
		WO 01 77726 A	10-18-2001	BTG International Ltd.		
		EP 0 953 853 A	11-03-1999	Shin-Etsu Handotai Co.		

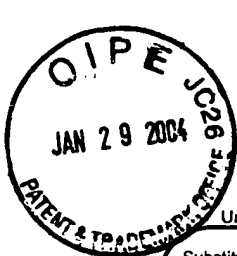
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/658,122		
		Filing Date	September 9, 2003		
		First Named Inventor	James E. Toney		
		Art Unit	2874		
		Examiner Name			
Sheet	2	of	2	Attorney Docket Number	BAT 0089 PA

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		GADOT F. ET AL: "Transmission Resonances in Ultra-Wideband Composite Metallic Photonic Crystals", ELECTRONIC LETTERS, IEE STEVEAGE, GB, Vol. 35, No. 6, 18 March 1999, pgs. 478-480.	

Examiner Signature		Date Considered	
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